

INFORMATION PAPER

EXCESS LEAVE - PENDING APPELLATE REVIEW

1. **Purpose.** To provide information on processing Soldiers for excess leave and reassignment to the Personnel Control Facility (PCF), Fort Sill, OK, while waiting appellate review of a punitive discharge due to trial and conviction by courts-martial.

2. Discussions.

a. Soldiers sentenced by courts-martial to a Bad Conduct or Dishonorable Discharge and put on excess leave pending appellate review of the discharge will be reassigned to the PCF, Ft Sill, OK for accountability and follow-up processing. This is a Permanent Change of Station (PCS)/Reassignment action. Discharge/separation orders will not be published and Soldiers will not be processed for separation at Schofield Barracks. They will be reduced to PV1 and will remain on active duty in an excess leave status until the case is adjudicated.

b. Excess Leave is a non-chargeable period of absence granted for emergency or unusual circumstances or as otherwise specified in AR 600-8-10. It is granted to Soldiers who are sentenced by courts-martial to a punitive discharge and are awaiting appellate review of the sentence.

c. The General Courts-Martial Authority (GCMA) will authorize any of the following:

(1). Direct involuntary excess leave pending appellate review of a punitive discharge.

(2). Approve a voluntary excess leave request pending appellate review of a punitive discharge.

3. Course of action.

a. The GCMA will cause a Soldier to be notified in writing of the intent to consider him/her for placement in an excess leave status. The Soldier is given at least 72 hours in which to present matters supporting a request to continue on duty, if desired. Excess leave begins on the day after the day the sentence is approved by the GCMA or any day after the sentence is approved.

b. Soldier requests voluntary excess leave awaiting results of the appellate review processing.

c. The Office of the Staff Judge Advocate, Bldg 2038, Schofield Barracks, phone 655-8607 processes the excess leave request in conjunction with the courts-martial proceedings and conviction.

d. The Bn/Co Commander details an NCO to escort the Soldier while processing the excess leave request and to complete installation clearance requirements for PCS/reassignment to the PCF.

e. The designated NCO hand-carries the Excess Leave Packet to DHR, Soldiers Support Center, Reassignment Section, Bldg 750, Room 109, for publication of PCS orders. POC is available at 655-4629/6242. The packet will include the following:

- ✓ Confinement Order (DD Form 2707)
- ✓ Results of Trial (DA Form 4430)
- ✓ Charge Sheet (DD 458)
- ✓ Prisoner's Release Order (DD Form 2718)
- ✓ DD Form 2717 (Voluntary/involuntary Appellate Leave Action)
- ✓ Leave Form (DA Form 31) signed by a two star General

- ✓ A memorandum from the following:
 - Soldier (requesting for excess leave)
 - Company CDR or Battalion CDR (Memorandum for Record) include escort information and last four of SSN

f. The Reassignment Section publishes the PCS Orders, Format 410, reassigning the Soldier to the Personnel Control Facility, Fort Sill, OK 72503-5000.

4. Reassignment on PCS is for Administrative purposes. The Soldier **will not** personally report to the PCF, Fort Sill, Oklahoma. Only the Soldier's required documents will be forwarded to Fort Sill for accountability while waiting the appellate review action. The Soldier is authorized travel to his/her Home of Record in an excess leave duty status upon completion of all installation out-processing actions and receipt of final clearance.

5. Installation Clearance.

a. Upon receipt of PCS orders, the Soldier and escort will report to the DHR, In/Out Processing Section, Soldiers Support Center Bldg 750, Room 130, 655-1272 for out processing instructions and issuance of installation clearance papers (DA Form 137) for PCS.

b. As part of out processing, the Soldier and escort will report to the Personnel Automations Branch, Soldiers Support Center Room 202, 655-6824 or Room 203 at 655-6752, for EMILPO records updates and personnel accountability processing.

d. When all installation agencies have been cleared, the Soldier and escort will report back to the In and Out Processing Section for issue of final clearance and submission of the entire packet for mailing.

e. The In and Out Processing Section will obtain and assemble the following required documents into one packet:

Checklist For Soldiers On Excess Leave or Appellate Leave Status

- ✓ Installation Clearance Record (DA Form 137)
- ✓ Results of Trial – DA Form 4430
- ✓ Charge Sheet (DD Form 458)
- ✓ Promulgating Orders – If Already Issued
- ✓ Confinement Order – DD Form 2707
- ✓ DA Form 4187 – Present for Duty to Confinement By Military Authorities
- ✓ Inmate Release From Confinement Order - DD Form 2718
- ✓ DA Form 4187 - Confined By Military Authorities to Present For Duty
- ✓ Assignment Orders, (PCS Orders to Personnel Control Facility)
 - Format 410
- ✓ DA 31 - Placing Soldier on Ordinary Leave (signed by the CDR)

- ✓ DA 31 - Placing Soldier on Excess Leave (signed by the CDR)
- ✓ Memo Approving Excess Leave signed by the General
- ✓ Memo from Soldier requesting excess leave
- ✓ Company CDR(Memorandum for Record)
- ✓ DoD, Voluntary/Involuntary Excess/Appellate Leave Action (DD Form 2717)
- ✓ Memorandum For the Clerk of Court – Statement of Acknowledgement of Rights to Individual on Application of Excess Leave with Effective Date of 3 November 2011
- ✓ Record of Emergency Data - DD Form 93
- ✓ Life Insurance Election – Form SGLV 8286

6. In and Out processing Section will mail or email the entire packet.

7. Point of contact for this action is Chief, Reassignments Section, 808-655-1974.